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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR03-540-JCC

12 v.

13 TERRY LEE GRANT,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on August 23,
19 2011. The defendant appeared pursuant to warrant issued in this case. The United States was
20 represented by Bruce Miyake, and defendant was represented by Michael Filipovic. Also
21 present was U.S. Probation Officer Lisa Combs. The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on March 25, 2005 by the Honorable John C. Coughenour for
Felon in Possession of a Firearm. He received 57 months of detention and 36 months of
supervised release.

On December 11, 2007, Mr. Grant released from detention and began his term of supervised
release. He is scheduled to terminate on December 10, 2010. The maximum term of

1 imprisonment upon revocation is 24 months.

2 On October 2, 2008, a violation report and request for summons was submitted to the Court
3 alleging that Terry Grant had violated the terms and conditions of his supervised release by using
4 alcohol and committing the crime of Driving Under the Influence.

5 On November 8, 2008, Mr. Grant appeared before the Court. He pled not guilty to the
6 alleged violations and evidentiary hearing was scheduled for January 20, 2009. He was allowed
7 to remain at liberty until that time.

8 On December 10, 2008, a supplemental violation report and warrant request was submitted
9 to the Court alleging that Terry Grant violated the terms and conditions of his supervised release
10 by failing to obtain a substance abuse evaluation, failing to report to the probation office,
11 associating with a convicted felon, possession of drug paraphernalia, possessing a firearm,
12 possessing ammunition, and possessing stolen property. The Court issued the warrant that day.

13 **PRESENTLY ALLEGED VIOLATIONS**

14 Defendant was cited by U. S. Probation Officers in three petitions. In the first petition dated
15 October 2, 2008, U.S. Probation Officer Michael Markham alleged that defendant violated the
16 following conditions of supervised release:

- 17 1. Using alcohol on or before May 1, 2008, in violation of a special condition of
18 supervised release.
- 19 2. Using alcohol on or before August 1, 2008, in violation of a special condition of
20 supervised release.
- 21 3. Committing the crime of Driving Under the Influence of alcohol on or about
22 August 1, 2008, in violation of a general condition of supervised release.

23 In the second petition dated December 10, 2008, U.S. Probation Officer Pam Murray

1 alleged that defendant violated the following conditions of supervised release:

- 2 4. Failing to obtain a substance abuse evaluation on or before December 9, 2008, in
3 violation of a special condition of supervised release.
- 4 5. Failing to report to the probation office on or before November 26, 2008, in
5 violation of standard condition 2.
- 6 6. Associating with a person convicted of a felony on or before December 9, 2008, in
7 violation of standard condition 9.
- 8 7. Possession of Drug paraphernalia on or before December 9, 2008, in violation of
9 standard condition 7.
- 10 8. Possessing a firearm on or before December 9, 2008, in violation of a general
11 condition of supervised release.
- 12 9. Committing the crime of Felon in Possession of Ammunition on or before
13 December 9, 2008, in violation of a general condition of supervised release.
- 14 10. Committing the Crime of Possession of Stolen Property on or before December 9,
15 2008, in violation of a general condition of supervised release.

16 In the third petition dated January 1, 2009, U. S. Probation Officer Michael Markham
17 alleged that defendant violated the following condition of supervised release:

- 18 11. Committing the Crime of Robbery on or about December 4, 2008, in violation of
19 a general condition of supervised release.

20 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

21 Defendant admitted the violations 1 – 4. The government dismissed violations 5 - 10. The
22 parties stipulated defendant was convicted of Robbery in State Court. Based on the stipulation,
23 the Court found defendant violated #11. Defendant waived any hearing as to whether they

1 occurred, and was informed the matter would be set for a disposition hearing on October 7, 2001
2 at 9:00 a.m., before District Judge John C. Coughenour.

3 **RECOMMENDED FINDINGS AND CONCLUSIONS**

4 Based upon the foregoing, I recommend the court find that defendant has violated the
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 23rd day of August, 2011.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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